

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Martha Russ Shipping Company Limited,

Plaintiff,

-against-

QC Shipping PTE Ltd, et al.

Defendant.

08 Civ. 2847 (HB)

ORDER

Hon. Harold Baer, Jr., District Judge:

WHEREAS Plaintiff Martha Russ Shipping Company Limited ("Plaintiff") filed its complaint in the above-referenced action on March 18, 2008 that sought entry of an ex parte order of attachment pursuant to Rule B of the Supplemental Admiralty Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure (the "Rule B Order"); and

WHEREAS the Rule B Order was entered on March 19, 2008; and

WHEREAS in light of the U.S. Court of Appeals for the Second Circuit's recent decision in *Shipping Corp. of India, Ltd. v. Jaldhi Overseas Pte. Ltd.*, Nos. 08-3477 & 08-3758, 2009 WL 3319675, at *11 (2d Cir. Oct. 16, 2009), this Court terminated the Rule B Order by order dated October 30, 2009; and

WHEREAS by the same order, Plaintiff was ordered to show cause: (1) why the Rule B Order should not be vacated, (2) why any funds restrained pursuant to the Rule B Order should not be released, and (3) why if the Rule B Order is vacated and all funds released this action should not be dismissed without prejudice; and

WHEREAS the October 30, 2009 Order to Show Cause made clear that failure to respond would result, without further notice to any party, in release of any attached funds and dismissal of this action without prejudice; and

WHEREAS this Court has received no response from the Plaintiff to the October 30, 2009 Order to Show Cause; it is hereby

ORDERED that the Rule B Order is vacated; and it is further

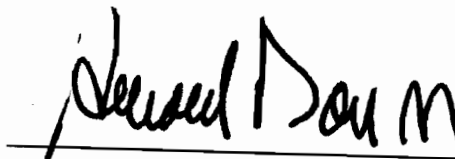
ORDERED that any attached funds shall be released forthwith; and it is further

ORDERED that this action is dismissed without prejudice; and it is further

ORDERED that the Clerk of this Court is instructed to close this case and remove it from my docket.

SO ORDERED.

December 14, 2009
New York, New York



U.S.D.J.